

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |          |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, | ) |          |
|                           | ) |          |
| Plaintiff,                | ) | 8:11CR91 |
|                           | ) |          |
| v.                        | ) |          |
|                           | ) |          |
| LLOYD THOMAS,             | ) | ORDER    |
|                           | ) |          |
| Defendant.                | ) |          |
|                           | ) |          |

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This matter is before the Court on the “ Motion to Determine Competency to Stand Trial; Motion to Continue Trial Date” (Filing No. 79) filed by the United States. The Court has considered the motion, and the motion was heard on April 11, 2012.

The United States requests a medical/mental examination to determine whether the defendant is competent to stand trial and assist in his defense. The defendant did not oppose. The motion “shall” be granted “if there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a).

Review of the file and the Court’s own observation of and conversation with Mr. Thomas leads the Court to conclude that reasonable cause exists to believe that Mr. Thomas “may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” The Court inquired of the Defendant, and he had no objection to the Court granting the continuance for purposes

of allowing him to undergo a psychological evaluation. Therefore, the Court will order a medical/mental examination, and under the Speedy Trial Act, trial will be continued.

Accordingly,

IT IS ORDERED:

1. The “ Motion to Determine Competency to Strand Trial; Motion to Continue Trial Date” (Filing No. [79](#)) filed by the United States is granted;
2. The request for a hearing pursuant to 18 U.S.C. § 4241 is granted, a psychological/psychiatric evaluation shall be conducted and a determination made of the defendant's competency to stand trial;
3. The evaluation shall include, but not be limited to, a determination of whether the defendant is suffering from a mental illness or defect which impedes his ability to understand the facts and circumstances of his criminal prosecution, make rational choices, and effectively communicate with counsel;
4. The defendant is remanded to the custody of the Attorney General of the United States for a competency examination at the Federal Medical Facility, Springfield, Missouri, or other suitable facility, pursuant to the provisions of 18 U.S.C. §§ 4241 and 4247. The institution or facility shall submit to the undersigned a report of the evaluation within thirty (30) days of the defendant's arrival at such facility. Once the Court receives the evaluation, the Court will immediately provide the evaluation to counsel of record;
5. The United States Marshal shall forthwith, without delay, transport the defendant to the Springfield, Missouri, facility, or other suitable facility as identified by the

Attorney General of the United States, in accordance with this order, at no cost to the defendant; and

6. This case is removed from the trial calendar pending resolution of the matter of defendant's competency. The time between today's date and the resolution of the matter is excluded from the speedy trial calendar in the interest of justice, pursuant to 18 U.S.C. § 3161(h)(1)(A), and pending a determination of the defendant's mental competency.

DATED this 11th day of April, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge  
United States District Court